

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRANDON RESCH,

Case No. 10-14323

Plaintiff,

HONORABLE ARTHUR J. TARNOW

v.

SENIOR UNITED STATES DISTRICT JUDGE

HEALTH UNIT MANAGER,

Defendant.

ORDER DISMISSING CASE

On January 30, 2012 the Magistrate Judge entered a Report and Recommendation [13], which recommends a *sua sponte* dismissal of this case, in part, because the Defendant is not named with specificity. Plaintiff filed a Motion to Appoint Counsel and Objection [15]¹ to the R&R. Plaintiff named Defendant as “Health Unit Manager” in his Complaint. In Plaintiff’s Objection [15], Plaintiff clarifies that Defendant is “HEALTH UNIT MANAGER, JANE DOE, who at all times relevant hereto was assigned to [the Macomb Regional Correctional Facility].” Obj. [15], at 1-2. On August 21, 2012, the Court entered an Order to Show Cause [16] by September 4, 2012 why this case should not be dismissed for failure to identify defendant.

The time for Plaintiff to respond to the Court’s Order to Show Cause [16] has passed.

Accordingly,

¹Although Plaintiff’s Motion [15] is titled on the docket as a Motion to Appoint Counsel, the filing also includes Plaintiff’s objections to the R&R.

IT IS HEREBY ORDERED that Plaintiff's complaint is **DISMISSED** without prejudice to the rights of the parties.

SO ORDERED.

Dated: September 19, 2012

s/Arthur J. Tarnow
ARTHUR J. TARNOW
SENIOR U.S. DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify on September 19, 2012 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on September 19, 2012: **Brandon Resch.**

s/Michael E. Lang
Deputy Clerk to
District Judge Arthur J. Tarnow
(313) 234-5182